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SALLQUIST, DRUMMOND & O'CONNOR, RECEIVED

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2008 MAY 29 P 1: 13

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RICHARD L. SALLQUIST

May 29, 2008

Arizona Compration Commission DOCKETED

MAY 2 9 2008

DOCKLILDBY

HAND DELIVERY

Brian C. McNeil, Executive Director Arizona Corporation Commission 1200 West Washington Street Phoenix, Arizona 85007

Re: Little Park Water Company; Docket No. W-02192A-07-0326; Decision No. 70208, dated March 20, 2008; Request for A.R.S.§ 40-252 Reconsideration

Dear Mr. McNeil:

On May 14, 2008, the Company filed the attached Request for Extension of Time to Comply (the "Request"), seeking to have the June 1, 2008 requirement to file an Approval to Construct ("ATC") for its Arsenic Treatment Plant extended to August 29, 2008 for the reasons stated therein.

Subsequent discussions with the Commission Staff have confirmed the position that Staff cannot, as a policy matter, grant extensions to Orders Preliminary, and that Compliance Dates may be changed only by a Commissioner requesting reconsideration of the Order Preliminary pursuant to A.R.S. §40-252.

As stated in the Request, the alternative to a modification of the Order Preliminary is a new Certificate of Convenience and Necessity application, with the requisite six to seven month processing time. Because the Company has vigorously sought timely compliance with the requirements of the Order Preliminary, but can not obtain the ATC until about July 22, 2008, and further due to the urgent need for the Verde Valley School and Camp Souring Eagle and other customers of the Company to receive arsenic-free water as soon as possible, the Company believes this special action is worthy of the Commission's consideration.

We hereby request that you seek a Commissioners support for our Request, and that a formal motion be made that the full Commission reconsider this matter and thereafter grant an extension of the date to file the ATC for the Company's Arsenic Treatment Plant from June 1, 2008 to August 31, 2008.

Brian C. McNeil May 29, 2008 Page 2

Your assistance on this matter is greatly appreciated. In the event you have any questions regarding this matter, please do not hesitate to contact the undersigned.

Sincerely,

Richard L. Sallquist

cc: All Commissioners

The Commissioners' Advisors

Docket Control (15 copies)

Steve Olea

Hearing Division

Legal Division

Utilities Division

Engineering Division

Steve Gudovic

1	Richard L. Sallquist, Esq. (002677) SALLQUIST, DRUMMOND & O'CONNOR, P.C. RECEIVED
2	4500 S. Lakeshore Drive, Suite 339
	Tempe, Arizona 85282 7000 MAY 14 P 12: 27
3	Telephone: (480) 839-5202 Fax: (480) 345-0412 Attorneys for Little Park Water Company, Inc. AZ CORP COMMISSION
4	DOUNT CONTINUE
_	BEFORE THE ARIZONA CORPORATION COMMISSION
5	IN THE MATTER OF THE APPLICATION OF) DOCKET NO. W-02192A-07-0326
6	LITTLE PARK WATER COMPANY INC. FOR)
_	AN EXTENSION OF ITS CERTIFICATE OF) REQUEST FOR EXTENSION OF CONVENIENCE AND NECESSITY TO) TIME TO COMPLY
7	CONVENIENCE AND NECESSITY TO TIME TO COMPLY PROVIDE WATER SERVICE IN YAVAPAI)
8	COUNTY, ARIZONA)
)
9	Little Park Water Company, Inc. ("Little Park" or the "Company"), by and through
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	undersigned counsel, hereby files its Request for Extension of Time to Comply with certain
11	provisions of Decision No. 70208 dated March 20, 2008, and in support of said Request states as
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1.2	follows:
13	1. Decision No. 70208, dated March 20, 2008, (the "Decision") requires, among
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15	other things, that the Company file documents regarding the financing of the Arsenic Treatment
13	Plants (the "ATP's") to be constructed consistent with the Decision. The Company filed that
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17	documentation on May 1, 2008 in accordance with the Decision.
17	2. The Decision also required the filing by June 1, 2008 of the Arizona Department
18	CD : ("A TC") for the ATD's
19	of Environmental Quality's ("ADEQ's") Approval to Construction ("ATC") for the ATP's.
17	3. The Company filed Exceptions to the Recommended Opinion and Order (the
20	
	(FDOO?) on Folymore 20, 2008, explaining that it had received and docketed the ATC for the on-
21	"ROO") on February 20, 2008, explaining that it had received and docketed the ATC for the on-
	"ROO") on February 20, 2008, explaining that it had received and docketed the ATC for the on- site distribution facilities necessary to serve the expansion area, and at the Open Meeting Mr.
21 22	site distribution facilities necessary to serve the expansion area, and at the Open Meeting Mr.

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15012.00000.105

1 2 recommended Compliance Dates, with which the Company now believes it can comply, including obtaining the Approvals of Construction for the ATP's and the on-site facilities by 3 June 30, 2009. However, the Commission did not extend the June 1, 2008 Compliance Date for 4 5 6

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filing the ATC for the AFP's. The Company's engineers completed the design of the ATP's for both wells on 5. May 9, 2008, and vendor/contractor have been retained to construct those facilities under contracts dated May 9, 2008. Those plans were submitted to ADEQ on May 13, 2008. ADEQ informed the contractor that the processing time for arsenic treatment facilities to receive an ATC

is approximately 53 working days, or July 22, 2008.

After due deliberation, the Commission did modify some of the ROO's

- Subsequent to the Open Meeting on this matter, the Company has been advised by 6. the Commission's Staff that the Commission typically does not grant extensions to the requirements of Orders Preliminary. It is submitted that there is no statute or Commission Rule that prohibits such extensions.
- The failure to extend the Order Preliminary Compliance Dates, and the resultant 7. Order Preliminary becoming void, removes any of the Company's apparent authority for the project. This would create great hardship for the Company and both new customers, the Verde Valley School and Camp Soaring Eagle, which will be served in the expansion area. As indicated, the Company has committed substantial funds to the engineering and construction of the federally mandated ATP's. The School entered into a Line Extension Agreement on April 12, 2007. Further, on April 24, 2008, the Camp entered into a Line Extension Agreement with

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¹ That Agreement was appended to the subject Application as Attachment B, and included \$366,000 on-site facilities and \$66,000 in Arsenic Hook-Up Fees.

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the Company for over \$600,000 in on-site distribution facilities, and an additional \$235,000 in Arsenic Hook-Up Fees. The Company is relying on receipt of those Hook-Up Fees, and more importantly, the School and Camp are relying on the Company's ability to serve water as planned, and in the time frame contemplated.

8. The expiration of the Order Preliminary will require the Company to refile a CC&N Application, which at best will require the thirty day Sufficiency Review Period, plus the Rules' 150 day processing time. This artificial delay in proceeding could adversely impact on the School and Camp providing the Arsenic Hook-Up Fees under their respective Agreements. It could also reduce the urgency at ADEQ in processing the ATC approvals, and most certainly will result in re-pricing of the equipment/construction contract costs, all assuming the Commission does, in fact, grant a new Order Preliminary or CC&N. Additionally, delay of the construction of the ATP's will delay the Company's other customers receiving arsenic-free water. In the opinion of the Company this denial of an extension of the Compliance Dates unduly burdens the Company and its customers, with no off-setting public benefit.

WHEREFORE, Little Park respectfully requests that the Commission grant an extension to the Compliance Date for filing the ATC for the ATP's from June 1, 2008 to August 29, 2008.

Respectfully submitted this \(\frac{\lambda}{\tau} \) day of May, 2008.

SALLQUI\$T, DRUMMOND & O'CONNOR, P.C
By: // CCC
Richard L. Sallquist
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Tempe, AZ 85282
Attorneys for Little Park Water Company, Inc.

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1	The original and fifteen copies of the foregoing were filed this \(\frac{\lambda}{\tau} \) day of May, 2008:
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3	Docket Control Arizona Corporation Commission 1200 W. Washington St.
4	Phoenix, AZ 85007
5	Copies of the foregoing were mailed this \ day of May 2008 to:
6	,
7	Hearing Division Arizona Corporation Commission 1200 West Washington Street
8	Phoenix, Arizona 85007
9	Legal Division Arizona Corporation Commission
10	1200 West Washington Street Phoenix, Arizona 85007
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12	Utilities Division Arizona Corporation Commission 1200 West Washington Street
13	Phoenix, Arizona 85007
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